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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,738	10/11/2001	Eric Richer	P14617US2	6531
27902	7590	11/12/2004	EXAMINER	
ERICSSON RESEARCH CANADA 8400 DECARIE BLVD. MONTREAL, QC H4P 2N2 CANADA			PHAN, TAM T	
			ART UNIT	PAPER NUMBER
			2144	

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/682,738

**Applicant(s)**

RICHER ET AL.

**Examiner**

Tam (Jenny) Phan

**Art Unit**

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 12-15 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 11 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Amendment received on 08/13/2004 has been entered. Claims 1-11 are cancelled. Claims 14-15 are currently amended. Claims 12-13 are previously presented.
2. Claims 12-15 are presented for examination.

***Priority***

3. This application claims benefit of the provisional application 60/287,734 (05/02/2001).
4. The effective filing date for the subject matter defined in the pending claims which has support in parent 60/287,734 in this application is 05/02/2001. Any new subject matter defined in the claims not previously disclosed in parent 60/287,734, is entitled to the effective filing date of 10/11/2001.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cowden et al. (WO 00/65773), hereinafter referred to as Cowden, in view of Kim (U.S. Patent Number 6,546,002).
7. Regarding claim 12, Cowden disclosed a method for updating profiles in a data communications network comprising a number of entities, among them a profile storage that stores profiles and for each profile a list of all on-line entities that store the profile,

Art Unit: 2144

that stores profiles and for each profile a list of all on-line entities that store the profile, the method comprising the steps of: updating the profile on an entity; sending the updated profile from the entity to the profile storage; storing the updated profile by the profile storage (Figures 1, 8, 12, 19, 29, 32, page 29 lines 15-36, page 31 lines 25-33).

8. Cowden taught the invention substantially as claimed. However, Cowden did not expressly teach a method of retrieving by the profile storage a list of all on-line entities that store the profile and sending the updated profile to each entity on the retrieved list [synchronization feature].

9. Cowden suggested exploration of art and/or provided a reason to modify the updating profile method with the synchronization feature (page 29 lines 15-19).

10. Kim disclosed a method of retrieving by the profile storage a list of all on-line entities that store the profile and sending the updated profile to each entity on the retrieved list (Figures 3, 7-10, 13-15, column 7 lines 31-43, column 7 line 52-column 8 line 6, column 8 lines 24-31, column 9 lines 38-46).

11. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Cowden with the teachings of Kim to include the synchronization feature in order to save time and effort (Kim, column 3 lines 10-22) since using the synchronization agent system allows user profile, configuration and settings information to be handled intelligently by network services to export information between networks (Kim, column 3 lines 10-22). In addition, this would also enable users to access their profile data using any computer device from any

Art Unit: 2144

geographic location so long as they are able to connect to the network (Kim, column 7 lines 18-29).

12. Regarding claim 13, Kim disclosed a method for updating profiles further comprising the steps of: sending from an entity that has gone on-line to the profile storage, a request for modifications done to profiles the entity stores; and sending from the profile storage to the entity that has gone on-line the requested profiles (Kim, column 7 lines 57-65, column 11 lines 50-61, column 14 lines 39-49).

13. Since all the limitations of the claimed invention were disclosed by the combination of Cowden and Kim, claims 12-13 are rejected.

14. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agarwal et al. (U.S. Patent Number 6,509,910), hereinafter referred to as Agarwal, in view of LaRue et al. (U.S. Patent Number 6,401,104), hereinafter referred to as LaRue.

15. Regarding claim 14, Agarwal disclosed a profile storage in a data communications network comprising an entity that has updated a profile, the profile storage being capable of: storing a plurality of profiles and (Figure 7 sign 724, Figure 15 sign 1540), for each profile, a list of on-line entities that store the profile (Figure 15 DMF User Profile, column 15 line 62-column 16 line 7); receiving the updated profile from the entity (column 11 lines 36-47, column 15 line 62-column 16 line 7, column 16 lines 55-56); storing the updated profile (column 11 lines 36-47, column 15 line 62-column 16 line 7); retrieving the list of all on-line entities that store the profile (Figure 15 DMF User

Art Unit: 2144

Profile, column 15 line 62-column 16 line 7, column 16 lines 55-67); and sending share objects to each entity on the retrieved list (column 16 lines 55-67).

16. Agarwal taught the invention substantially as claimed. However, Agarwal did not expressly teach sending the *updated profile* to each entity on the retrieved list.

17. Agarwal suggested exploration of art and/or provided a reason to modify the profile storage of Agarwal with the profile synchronization feature (column 16 lines 8-11, lines 38-67)

18. LaRue disclosed a user data system that sends updated profiles to each entity on the retrieved list (Title, Abstract, Figures 2A-2B, Figure 5, column 4 lines 10-21, lines 31-42, column 27 lines 28-40).

19. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the profile storage of Agarwal with the teachings of LaRue to include the profile synchronization feature order to enable all the entities to have the same profile information for common information view (Agarwal, column 16 lines 49-54) since the purpose of synchronizing two, or more than two, datasets is to update them as necessary with data from one another so that they contain the same or equivalent data, at least in the portions of the datasets that the user has designated for synchronization (LaRue, column 10 lines 36-41).

20. Regarding claim 15, Agarwal disclosed a profile storage being further capable of: receiving a request from a further entity that has gone on-line for modifications done to profiles the further entity stores: and sending to the further entity that has gone on-line the requested profiles (column 16 lines 27-37).

21. Since all the limitations of the claimed invention were disclosed by the combination of Agarwal and LaRue, claims 14-15 are rejected.

***Response to Arguments***

22. Applicant's arguments filed 08/13/2004 have been fully considered but they are not persuasive.

23. In response to applicants' argument, "Cowden and Kim do not teach how to store a list of all on-line entities" the recitation "a profile storage that stores profiles and for each profile a list of all on-line entities that store the profile" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

24. In response to applicants' argument, "Cowden and Kim do not teach how to retrieve [list of all on-line entities] in order to send an updated profile to all the entities listed there on" and "Cowden and Kim do not even teach to send the updated profile to any other on-line device", it is submitted that Kim disclosed, "The profile data 138a, 138b must be synchronized for each MIA user" (column 7 lines 41-42), "Network 132 can also be used to transfer information, files, data, applications, etc. between the MIA 102 and other remote MIAs 140. For example, the MIA 102 that is specific to user X could be used to transmit information to another user Y through MIA 140" (column 7 line

Art Unit: 2144

66-column 8 line 6), and "Profile data 138a and 138b can also be shared among other applications or services. Using the example described above, a child's story service can store which stories were accessed by a particular user through the MIA 192. This type of information can be provided to, for example, a toy manufacturer, which can then use the information to send promotional materials relating to the story to the user. The promotional materials can be sent via the Internet or traditional mail" (column 9 lines 37-46). Kim further disclosed, "The MIA 102a connects to the profile manager 134a via the Internet 1510 and saves a list of telephone numbers inputted by the user to her MIA 102a. The telephone numbers are subsequently stored in the profile manager database 136 and into the user's profile data 138a" (column 16 lines 39-44). Thus, it should be obvious that Kim indeed is capable of retrieve the list of on-line devices via the profile manager and send updated profile to these entities.

25. Applicants' arguments with respect to pending claims 14-15 have been considered but are moot in view of the new ground(s) of rejection.

26. As the rejection reads, Examiner asserts that the combination of these teachings render the claimed invention obvious.

### ***Conclusion***

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 2144

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (571) 272-3930. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571) 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

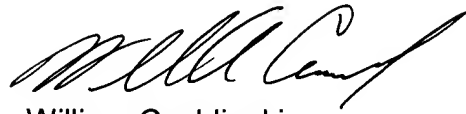
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Application/Control Number: 09/682,738

Page 9

Art Unit: 2144

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'William Cuchlinski', with a stylized, flowing script.

William Cuchlinski

SPE

Art Unit 2144

(571) 272-3925

tp

November 9, 2004